

FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

**Affidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis**

District Court No. 04-30007-MAP
Appeal No. 04-1906

RAFAEL FONTANEZ

v.

UNITED STATES

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Rafael Fontanez

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 9-17-04

My issues on appeal are:

1. INEFFECTIVE ASSISTANCE OF COUNSEL.
2. SENTENCE CORRECTION IN LIGHT OF BLAKELY'S OPINION.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>↓</u>	\$ <u>↓</u>	\$ <u>↓</u>	\$ <u>↓</u>
Income from real property (such as rental income)	\$ <u>↓</u>	\$ <u>↓</u>	\$ <u>↓</u>	\$ <u>↓</u>
Interest and dividends	\$ <u>↓</u>	\$ <u>↓</u>	\$ <u>↓</u>	\$ <u>↓</u>

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify): PRISON	\$ 16.00	\$ N/A	\$ 16.00	\$ N/A
Total Monthly income:	\$ 16.00	\$	\$ 16.00	\$

→ THE ABOVE ESTIMATE IS BASED ON PETITIONER'S MEMORY OF INMATE MONTHLY PAY. THE CLERK SHOULD RELY ON CERTIFIED FINANCIAL STATEMENT ATTACHED HERETO FOR ACCURACY.

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
BUREAU OF PRISONS (DOP)			

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			

4. How much cash do you and your spouse have? \$ N/A

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>N/A</u>		\$ <u> </u>	\$ <u> </u>
<u>↓</u>		\$ <u> </u>	\$ <u> </u>
		\$ <u> </u>	\$ <u> </u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>N/A</u>		<u>N/A</u>		Make & year: <u>N/A</u>	
				Model: <u> </u>	
				Registration#: <u> </u>	
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>N/A</u>		<u>N/A</u>		<u>N/A</u>	
Model: <u> </u>					
Registration#: <u> </u>					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ N/A	\$ N/A
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in Mortgage payments)	\$	\$
Homeowner's or renter's	\$	\$
Life	\$	\$
Health	\$	\$
Motor Vehicle	\$	\$
Other: _____	\$	\$
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$	\$
Installment payments	\$	\$
Motor Vehicle	\$	\$
Credit card (name): _____	\$	\$
Department store (name): _____	\$	\$
Other: _____	\$	\$

Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u> ↓ </u>	\$ <u> ↓ </u>

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I HAVE BEEN INCARCERATED FOR THE PAST 71 MONTHS.

13. State the address of your legal residence.

FEDERAL CORRECTION INSTITUTION, P.O. Box 7000 West,
FORT DIX, NEW JERSEY 08640

Your daytime phone number: () N/A

Your age: 30 Your years of schooling: 12

Your social security number: 582-39-2236 ALL RIGHTS RESERVED
PER JCC 1-207

Inmate Inquiry



Inmate Reg #:	90455038	Current Institution:	Fort Dix FCI
Inmate Name:	FONTANEZ, RAFAEL	Housing Unit:	UNIT 4
Report Date:	09/22/2004	Living Quarters:	002-405L
Report Time:	9:36:00 AM		

General Information | Account Balances | Commissary History | Commissary Restrictions | Comments

General Information

Administrative Hold Indicator: No
No Power of Attorney: No
Never Waive NSF Fee: No
Max Allowed Deduction %: 100
PIN: 8450
FRP Participation Status: Completed
Arrived From:
Transferred To:
Account Creation Date: 4/26/2002
Local Account Activation Date: 7/1/1991

Sort Codes:
Last Account Update: 9/19/2004 4:55:45 PM
Account Status: Active
ITS Balance: \$4.96

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
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Account Balances

* Account Balance: \$170.73
Pre-Release Balance: \$0.00
Debt Encumbrance: \$0.00
SPO Encumbrance: \$0.00
Other Encumbrances: \$0.00
Outstanding Negotiable Instruments: \$0.00
Administrative Hold Balance: \$0.00
Available Balance: \$170.73
~~4th~~ National 6 Months Deposits: \$671.44
National 6 Months Withdrawals: \$698.05
National 6 Months Avg Daily Balance: \$187.23
Local Max. Balance - Prev. 30 Days: \$200.73
Average Balance - Prev. 30 Days: \$149.89

J. Will
9-22-04